

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**NGX COMPANY,**

**Plaintiff,**

**v.**

**No. CV 07-268 BB/WDS**

**G. B. PETROLEUM SERVICES, LLC,  
GREAT BASIN PETROLEUM SERVICES, L.P.,  
and OXY USA INC.**

**Defendants.**

---

**OXY USA INC.,**

**Third Party Plaintiff,**

**v.**

**No. CV -07-268 BB/WDS**

**GEORGE SCOTT III, and  
SCOTT INVESTMENT CORPORATION,  
a New Mexico Corporation,**

**Third Party Defendants.**

---

**JOINT PROGRESS REPORT**

COME NOW Plaintiff and Defendants by and through their respective attorneys of record and for their Joint Progress Report state as follows:

1. On October 4, 2007 this Court entered its Agreed Order Regarding Scheduling requiring the parties to submit a Joint Progress Report by December 3, 2007.

2. The parties jointly have engaged Arcadis to conduct testing on the allegedly polluted site to determine the nature and extent of any pollution and to assist the parties in determining with the Oil Conservation Division what, if any, clean-up activities need to occur on the subject site.

3. Arcadis has drafted and obtained approval from the New Mexico Oil Conservation Division for a testing plan for the site.

4. Testing on the site is scheduled to occur December 4 and 5, 2007 and Arcadis will report to the parties and the Oil Conservation Division within 60 days after the conclusion of that testing.

5. The parties are available to provide any additional reporting that the Court may require.

Respectfully submitted,

RODEY, DICKASON, SLOAN, AKIN & ROBB, PA

By:

  
for Charles K. Purcell per "1/28/07 e-mail"  
Post Office Box 1888  
Albuquerque, NM 87103  
Tel: 505.765.5900  
Attorneys for NGX Company

MODRALL SPERLING ROEHL HARRIS & SISK, PA

By:

  
John R. Cooney  
for Paul T. Halajian per "1/28/07 e-mail"  
Post Office Box 2168  
Albuquerque, NM 87103  
Tel: 505.848.1872  
Attorneys for G. B. Petroleum Services, LLC and  
Great Basin Petroleum Services, L.P.

HINKLE, HENSLEY, SHANOR & MARTIN, L.L.P.

By:

  
Andrew J. Cloutier  
Post Office Box 10  
Roswell, NM 88202  
Tel: 575.622.6510  
*Attorneys for OXY USA, Inc.*